

Christopher H. Ariano #026915
ARIANO & REPPUCCI, PLLC
1430 E. Missouri Ave.
Suite B-150
Phoenix, AZ85014
(602) 515-0841 (Office)
(602) 489-7403 (Fax)

Attorney for Debtor/Movant

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:

DENNIS FOSS AND EMILY FOSS

Debtors.

DENNIS FOSS AND EMILY FOSS

Movants,

vs.

BENEFICIAL MORTGAGE CO. OF
ARIZONA,

Respondent.

Chapter 13 Proceedings

Case No. 2:09-bk-31336-RJH

**ORDER AVOIDING LIEN
ON REAL PROPERTY**

RE: Beneficial Mortgage Co. of Arizona's
Second Deed of Trust
on Real Property Located at
2435 W. Shackleton Dr., Phoenix, AZ
Phoenix, Arizona 85086

On February 9, 2011, Debtor filed a motion to value the collateral and avoid the lien of
Beneficial Mortgage Co. of Arizona , (hereinafter "Lienholder") against the property commonly
known as 2435 W. Shackleton Dr., Phoenix, AZ and more fully described as:

**LOT 37, OF ANTHEM PARKSIDE UNIT 45, ACCORDING TO THE PLAT
OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF**

1 **MARICOPA COUNTY, ARIZONA, RECORDED AS BOOK 630 OF MAPS,**
2 **PAGE 32.**

3
4 Which lien was recorded in Maricopa County, Arizona on or about August 4, 2006 as
5 document number 2006-1042357 (hereinafter the "Lien").

6 The court finds that notice of the motion upon lienholder was proper. Lienholder having
7 failed to file timely opposition to Debtor's motion, the court hereby orders as follows:
8

9 (1) For purposes of Debtor's Chapter 13 plan only, the lien is valued at zero.
10 Lienholder Beneficial Mortgage Co. of Arizona does not have a secured claim and the Lien may
11 not be enforced, pursuant to 11 U.S.C. §§ 506, 1322(b)(2) and 1327.

12 (2) This order shall become part of the Debtor's confirmed Chapter 13 Plan.

13 (3) Upon entry of a discharge in Debtor's Chapter 13 case or completion of all
14 payments due under the Debtor's Chapter 13 Plan, the lien shall be voided for all
15 purposes and, upon application by the Debtor, the Court will enter an appropriate
16 form of judgment voiding the Lien.
17

18 (4) If Debtor's Chapter 13 case is dismissed or converted to Chapter 7 before Debtor
19 obtains a discharge, this order shall cease to be effective and the Lien shall be
20 retained to the extent recognized by applicable bankruptcy law and, upon
21 application by the Lienholder, the Court will enter an appropriate form of order
22 restoring the Lien.
23

24 (5) Except as provided by separate, subsequent order of this Court, the lien may not
25 be enforced so long as this order remains in effect.
26

27 (6) The Lienholder shall file with the Maricopa County Recorder, within 20 days of
28 discharge of the Debtor, a Lien release at no expense to the Debtor.

1 Dated and signed above.

2 Notice to be sent though the
3 Bankruptcy Noticing Center "BNC"
4 to the following:

5 RUSSELL BROWN
6 CHAPTER 13 TRUSTEE
7 SUITE 800
8 3838 N. CENTRAL AVE.
9 PHOENIX, AZ 85012-1965

10 KATHRYN MADISON
11 PRESIDENT/CEO
12 BENEFICIAL MORTGAGE CO.
13 26525 N. RIVERWOODS BLVD.
14 METTAWA, IL 60045

15 BENEFICIAL MORTGAGE CO.
16 C/O OF CT CORP. SYSTEM
17 2394 E. CAMELBACK RD.
18 PHOENIX, AZ 85016

19 U.S. TRUSTEE
20 OFFICE OF THE U.S. TRUSTEE
21 230 NORTH FIRST AVENUE #204
22 SUITE 204
23 PHOENIX, AZ 85003

24 DENNIS & EMILY FOSS
25 2435 W. SHACKLETON
26 PHOENIX, ARIZONA 850086

27 CHRISTOPHER H. ARIANO
28 ARIANO & REPPUCCI, PLLC
1430 E. MISSOURI AVE.
SUITE B-150
PHOENIX, AZ85014

WELLS FARGO FINANCIAL ARIZONA, INC.
C/O PATRICIA DOYLE-KOSSICK, P.L.C.
4500 SOUTH LAKESHORE DRIVE
SUITE 575
TEMPE, AZ 85282-7187

1 RECOVERY MANAGEMENT SYSTEMS CORPORATION
2 25 SE 2ND AVE #1120
3 MIAMI, FL 33131

4 PRA RECEIVABLES MANAGEMENT LLC
5 POB 41067
6 NORFOLK, VA 23541

7 JPMORGAN CHASE BANK, N.A.
8 ATTN: DEPT PP-G7
9 P.O. BOX 182106
10 COLUMBUS, OH 43218

11 JASON SHERMAN
12 PERRY & SHAPIRO, LLP
13 3300 N. CENTRAL AVE., STE 2200
14 PHOENIX, AZ 85012-2582
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